

SURVEILLANCE

"Freedom from Surveillance"

H.R. 1864 Referred to Judiciary Committee
[Kastenmeier]

This bill prohibits any civil officer of the U.S. from conducting surveillance of citizens and provides civil remedies for subjects of prohibited surveillance.

I. Domestic Surveillance Prohibited

Amends Chapter 109, Title 18 by adding at the end thereof a "section 2237" prohibiting any civilian U.S. employee from willfully conducting investigations into, maintaining surveillance over, or maintaining records regarding the beliefs; associations; political activities; or financial, medical, sexual, marital or familial affairs of any citizen or organization of citizens. Investigations are any oral or written inquiry directed to any person, organization or agency of the Government. Surveillance is any monitoring of persons, places, or events by means of electronic interception, overt or covert infiltration, overt or covert observation, photography, and the use of informants.

Three exceptions are provided for. The section does not apply where such activity is otherwise required by statute, nor shall it be deemed to limit or enlarge such legal authority of the U.S. as may exist to collect, receive, or maintain information relevant to government employment applications or to an investigation of an individual who has committed or is suspected on reasonable grounds to have committed a felony.

II. Civil Actions

Amends Title 28 by adding a new chapter which:

(a) Except as provided in 18 U.S.C. 1386, or otherwise required by statute, imposes liability on any civilian U.S. employee for damages to persons or groups he has subjected to the investigation, surveillance or recordkeeping prohibited in the above-proposed "Section 2273" of Title 18.

(b) Authorizes any group subjected to such prohibited activities to bring a civil action against the U. S. for appropriate equitable relief.

(c) Provides for class actions and venue relating to such actions.